UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/704/Add.1
13 December 1991

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 94 (b)

SOCIAL DEVELOPMENT: CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Third Committee (Part II)

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I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1991, the General Assembly, on the recommendations of the General Committee, decided to include in its agenda the item entitled "Social development: crime prevention and criminal justice" and to allocate it to the Third Committee.

2. The Committee considered the item at its 57th to 60th meetings, from 9 to 11 December 1991. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/46/SR.57-60).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Economic and Social Council (A/46/3, chap. VI, sect. B); 1/

(b) Report of the Secretary-General on the progress achieved in the implementation of General Assembly resolution 45/121 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/46/363);

1/ To be issued as Official Records of the General Assembly, Forty-sixth Session, Supplement No. 3 (A/46/3/Rev.1).

(c) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders and other United Nations institutes for crime prevention and criminal justice (A/46/524);

(d) Note by the Secretary-General transmitting the conclusions and recommendations of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/46/703).

4. At the 57th meeting, on 9 December, the Director-General and Head of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna made an introductory statement (see A/C.3/46/SR.57).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution contained in chapter II, section A, of the report of the Ministerial Meeting on the creation of an effective United Nations Crime Prevention and Criminal Justice Programme (A/46/703 and Corr.1) and proposed amendments thereto (A/C.3/46/L.73)

5. At the 57th meeting, on 9 December, the Committee had before it the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, which contained in its chapter II, section A, a draft resolution entitled "Creation of an effective United Nations crime prevention and criminal justice programme", which had been recommended to the General Assembly for adoption.

6. The statement submitted by the Secretary-General on the programme budget implications of the draft resolution was circulated in document A/C.3/46/L.70 in accordance with rule 153 of the rules of procedure of the General Assembly.

7. At the 59th meeting, on 10 December, the representative of Ghana, speaking on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced document A/C.3/46/L.73 containing proposed amendments to the draft resolution entitled "Creation of an effective United Nations crime prevention and criminal justice programme" contained in chapter II, section A, of the report of the Ministerial Meeting, which read as follows:

> "1. In operative paragraph 7, insert the phrase 'in accordance with the financial rules and regulations of the United Nations' after the words 'existing United Nations resources'.
>
> "2. In operative paragraph 10, replace the word 'decides' with the word 'recommends'; delete the word 'should' before the words 'be established' and before the words 'be cancelled'; and replace the words 'be redeployed' with the words 'be made available'."

8. In introducing the amendments, the representative of Ghana orally revised amendment 2 to read as follows:

> "In operative paragraph 10, after the word 'decides' insert the words 'to recommend'; delete the word 'should' before the words 'be established' and before the words 'be cancelled'; and replace the words 'be redeployed' with the words 'be made available'."

9. At the 60th meeting, on 11 December, the representative of Ghana, speaking on behalf of the States Members of the United Nations that are also members of the Group of 77, made a statement and further orally amended the draft resolution and its annex as follows:

(a) Operative paragraph 10, which read:

> "10. Decides that a commission on crime prevention and criminal justice should be established as a functional commission of the Economic and Social Council, which would hold its inaugural meeting during 1992, that the meeting of the Committee on Crime Prevention and Control scheduled for February 1992 should be cancelled, and that the funds necessary for the work of the new commission be redeployed within the budget for the biennium 1992-1993;",

was replaced with the following text, reading:

> "10. Decides to recommend that a commission on crime prevention and criminal justice be established as a functional commission of the Economic and Social Council, which would hold its inaugural meeting during 1992, and recommends that the meeting of the Committee on Crime Prevention and Control scheduled for February 1992 be cancelled and to make available the funds necessary for the work of the new commission within the budget for the biennium 1992-1993;";

(b) In paragraph 24 of the annex, the word "thirty-two" was to be replaced with the word "forty". Consequently, the footnote was amended to read as follows:

> "It is recommended that in order to commence the work of the commission as soon as possible, the geographical distribution of the commission should be as follows: African States (12); Asian States (9); Latin American and Caribbean States (8); Western European and other States (7); Eastern European States (4). The size and geographical distribution of the commission may be reviewed 2 years after the first session of the commission."

10. At the same meeting, the Committee decided to incorporate all the amendments proposed by the representative of Ghana into the text of the draft resolution and its annex.

11. In the light of the adoption of the amendments proposed by the representative of Ghana, the draft decision contained in document A/C.3/46/L.72 (see para. 21) was considered withdrawn by its sponsors.

12. Also at the same meeting, the representative of Austria made a statement and proposed the deletion of operative paragraph 15 of the draft resolution.

13. The Committee approved the amendment proposed by the representative of Austria.

14. Also at the same meeting, the Committee adopted the draft resolution and its annex, as orally amended (see para. 24, draft resolution I).

15. After the adoption of the draft resolution, the representative of Hungary made a statement.

B. Draft resolution A/C.3/46/L.67

16. At the 59th meeting, on 10 December, the representative of Ghana, speaking on behalf of the States Members of the United Nations that are also members of the African Group, introduced a draft resolution (A/C.3/46/L.67), entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders", and orally revised operative paragraph 3 to read as follows:

> "Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its forty-seventh session."

17. The statement submitted by the Secretary-General on the programme budget implications of the draft resolution was circulated in document A/C.3/46/L.74, in accordance with rule 153 of the rules of procedure of the General Assembly.

18. At the 60th meeting, on 11 December, the representative of the Netherlands, speaking on behalf of the European Community, made a statement.

19. At the same meeting, the Committee adopted the draft resolution by a recorded vote of 97 to 1, with 34 abstentions (see para. 24, draft resolution II). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya,

Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Sweden, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

20. After the adoption of the draft resolution, statements were made by the representatives of Sweden (on behalf of the Nordic countries), the United States of America, Uganda, Canada and Japan.

C. Draft decision A/C.3/46/L.72

21. At the 59th meeting, on 10 December, the representative of Ghana, speaking on behalf of the States Members of the United Nations that are also members of the Group of 77, introduced a draft decision entitled "Establishment of a Commission on Crime Prevention and Criminal Justice", which read as follows:

"Establishment of a Commission on Crime Prevention and Criminal Justice

"The General Assembly,

"Decides, in connection with the recommendation to establish a Commission on Crime Prevention and Criminal Justice, that:

"(a) The principle of equitable geographical distribution shall be the basis of the distribution of seats on the Commission;

"(b) The action of the Economic and Social Council at its organizational session of 1992, relating to the distribution of seats, should be guided only by this decision."

22. At the 60th meeting, on 11 December, in the light of the adoption of the amendments proposed by the representative of Ghana, which were contained in document A/C.3/46/L.73, as well as the amendments to paragraph 24 of the annex, the draft decision was considered withdrawn by its sponsors.

Report considered under item 94 entitled "Social development: crime prevention and criminal justice"

23. On the proposal of the Chairman the Committee decided to recommend to the General Assembly that it take note of a report of the Secretary-General considered under the item entitled "Social development: crime prevention and criminal justice" and contained in document A/46/363 (see para. 25, draft decision).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

24. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Creation of an effective United Nations crime prevention and criminal justice programme

The General Assembly,

Alarmed by the scope of criminality and by the dangers posed to the welfare of all nations by the rising incidence of crime generally and by the many forms of criminal activity that have international dimensions,

Also alarmed by the high cost of crime in both human and material terms, especially in its new and transnational forms, and aware of the effects of crime both on States and on individual victims,

Recalling that, in its resolution 45/108 of 14 December 1990, it decided to establish an intergovernmental working group to "produce a report elaborating proposals for an effective crime prevention and criminal justice programme and suggesting how that programme could most appropriately be implemented",

Acknowledging with appreciation the work of the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme, 2/ which met at Vienna from 5 to 9 August 1991,

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2/ See A/CONF.156/2.

Acknowledging also with appreciation the work of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held in Paris from 21 to 23 November 1991,

Recognizing that criminality is a major concern of all nations and that it calls for a concerted response from the international community aimed at preventing crime and recidivism, improving the functioning of criminal justice and law enforcement, and increasing respect for individual rights,

Acknowledging that a United Nations programme devoted to crime prevention and criminal justice can only be effective with the direct involvement of Member States,

Convinced that the principal purpose of such a programme should be to provide practical assistance to States in combating both national and transnational crime,

Noting the principles contained in the Milan Plan of Action 3/ and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, 4/ as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

Recalling the relevant resolutions in which it has stressed the importance of the Commission on Human Rights and the Centre for Human Rights at Geneva with regard to respect for human rights in the administration of justice,

Recognizing also the urgent need to promote and intensify international cooperation in crime prevention and criminal justice, and the fact that this cooperation can be effective only if it is executed with the direct participation of the receiving States, with due respect for their needs and priorities,

1. Takes note with appreciation of the report of the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme; 5/

3/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, 26 August-6 September 1985): report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

4/ Ibid., sect. B.

5/ A/46/703.

2. Approves the statement of principles and programme of action, annexed to the present resolution, recommending the establishment of a United Nations crime prevention and criminal justice programme;

3. Supports a clearer definition of its mandate with regard to crime prevention and criminal justice, under the aegis and guidance of the United Nations, whose aim will be to respond to the most pressing priorities and needs of the international community in the face of both national and transnational criminality;

4. Requests the Secretary-General to give a high level of priority within the United Nations framework, and within the overall existing United Nations resources, to the activities of the United Nations crime prevention and criminal justice programme;

5. Decides that the United Nations crime prevention and criminal justice programme shall be devoted to providing States with practical assistance, such as data collection, information and experience sharing, and training, in order to achieve the goals of preventing crime within and among States and of improving the response to crime;

6. Invites Member States to give their political and financial support and to take measures that will ensure the implementation of the provisions of the statement of principles and programme of action as they relate to the strengthening of the United Nations crime prevention and criminal justice programme in terms of its structure, content and priorities;

7. Requests the Secretary-General to take the necessary action within the overall existing United Nations resources in accordance with the financial rules and regulations of the United Nations and to provide appropriate resources for the effective functioning of the United Nations crime prevention and criminal justice programme in accordance with the principles outlined in the statement of principles and programme of action;

8. Urges all entities of the United Nations system, including the regional commissions, the United Nations congresses on the prevention of crime and the treatment of offenders, the United Nations institutes for the prevention of crime and the treatment of offenders, the specialized agencies and the relevant intergovernmental and non-governmental organizations, to assist the United Nations crime prevention and criminal justice programme in fulfilling its tasks;

9. Encourages all developed countries to review their aid programmes in order to ensure that there is a full and proper contribution in the field of criminal justice within the overall context of development priorities;

10. Decides to recommend that a commission on crime prevention and criminal justice be established as a functional commission of the Economic and Social Council, which would hold its inaugural meeting during 1992, and recommends that the meeting of the Committee on Crime Prevention and Control

scheduled for February 1992 be cancelled and to make available the funds necessary for the work of the new commission within the budget for the biennium 1992-1993;

11. Requests the Economic and Social Council at its organizational session of 1992:

(a) To dissolve the Committee on Crime Prevention and Control;

(b) To establish the commission on crime prevention and criminal justice as a new functional commission of the Economic and Social Council, in accordance with the recommendations contained in the statement of principles and programme of action;

(c) To endorse the role and functions of the United Nations congresses on the prevention of crime and the treatment of offenders, in accordance with the recommendations contained in the statement of principles and programme of action;

12. Decides that the present members of the Committee on Crime Prevention and Control should be invited to participate during the first two days of the inaugural session of the new commission, at the expense of their respective Governments, except in the case of Committee members from least developed countries, in order to facilitate an orderly transition;

13. Also decides to retain for the United Nations crime prevention and criminal justice programme, without prejudice to additional funds that may be made available by the Secretary-General, all funds currently allocated to the programme, as well as any savings realized by restructuring;

14. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on measures taken to implement the statement of principles and programme of action.

Annex

Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme

We, Member States of the United Nations,

Assembled in Paris to consider ways and means of promoting international cooperation in crime prevention and criminal justice and of strengthening the United Nations crime prevention and criminal justice programme in order to make it fully effective and responsive to the needs and priorities of Member States,

Considering that one of the purposes of the United Nations, as stated in the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Convinced of the urgent need for more efficient international mechanisms to assist States and to facilitate joint strategies in the field of crime prevention and criminal justice, thus consolidating the role of the United Nations as the focal point in that field,

Noting the importance of the principles contained in the Milan Plan of Action 6/ and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, 7/ as well as other pertinent instruments formulated by United Nations congresses on the prevention of crime and the treatment of offenders and approved by the General Assembly,

Reaffirming the responsibility assumed by the United Nations in crime prevention and criminal justice,

Bearing in mind the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, the observance of human rights and the promotion of the highest standards of fairness, humanity and professional conduct,

Recognizing that it is essential to elicit active support for, and to provide the means of assistance for the development of, an effective United Nations crime prevention and criminal justice programme and to devise appropriate implementation mechanisms,

Deeply concerned about the extent and growth of crime, with its financial, economic and social consequences,

Alarmed at the high cost of crime in both human and material terms, as well as in its new national and transnational forms, and aware of the effects of crime both on States and on individual victims,

Recognizing that the primary responsibility for crime prevention and criminal justice rests with Member States,

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6/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, 26 August-6 September 1985): report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

7/ Ibid., sect. B.

Emphasizing the need for strengthened regional and international cooperation to combat crime and recidivism, to effect the improved functioning of criminal justice systems, to promote respect for individual rights and to safeguard the rights of victims of crime and the general security of the public,

Aware that there is unanimity about the need to create a new, vigorous United Nations crime prevention and criminal justice programme, as well as agreement on the need to establish an intergovernmental body for policy-making and priority-setting, to strengthen the effectiveness of the Secretariat unit within the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna, and to increase technical cooperation to help countries, particularly developing countries, translate United Nations policy-guidelines into practice, including training,

Determined to translate our political will into concrete action:

(a) By creating the essential mechanisms for practical collaboration against common problems;

(b) By providing a framework for inter-State cooperation and coordination to respond to the serious new forms and transnational aspects and dimensions of crime;

(c) By establishing information exchanges concerning the implementation and effectiveness of the United Nations norms and standards in crime prevention and criminal justice;

(d) By providing means of assistance, particularly to developing countries, for more effective crime prevention and more human justice;

(e) By establishing an adequate resource base for a truly effective United Nations crime prevention and criminal justice programme,

Proclaim our strong commitment to the above-mentioned goals and agree on the following:

I. STATEMENT OF PRINCIPLES

1. We recognize that the world is experiencing very important changes resulting in a political climate conducive to democracy, to international cooperation, to more widespread enjoyment of basic human rights and fundamental freedoms, and to the realization of the aspirations of all nations to economic development and social welfare. Notwithstanding these developments, the world today is still beset by violence and other forms of serious crime. These phenomena, wherever they occur, constitute a threat to the maintenance of the rule of law.

2. We believe that justice based on the rule of law is the pillar on which civilized society rests. We seek to improve its quality. A humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples' inalienable rights. Every right of the individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role.

3. We have in mind the fact that the lowering of the world crime rate is related to, among other factors, the improvement of the social conditions of the population. The developed countries and the developing countries are experiencing difficult situations in this respect. Nevertheless, the specific problems encountered by the developing countries justify priority being given to dealing with the situation confronting these countries.

4. We believe that rising crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. If this situation continues, progress and development will be the ultimate victims of crime.

5. We also believe that the growing internationalization of crime must generate new and commensurate responses. Organized crime is exploiting the relaxation of border controls designed to foster legitimate trade and, hence, development. The incidence and scope of such crimes may increase further in the coming years unless sound preventive measures are taken. It is thus particularly important to anticipate events and to assist Member States in mounting suitable preventive and control strategies.

6. We recognize that many criminal offences have international dimensions. In this context, there is an urgent need for States to address, while respecting the sovereignty of States, problems arising in collecting evidence, extraditing offenders and promoting mutual legal assistance, for example, when such offences are committed across frontiers or when frontiers are used to escape detection or prosecution. Despite differences in legal systems, experience has shown that mutual assistance and cooperation can be effective countermeasures and can help to prevent conflicts of jurisdiction.

7. We also recognize that democracy and a better quality of life can flourish only in a context of peace and security for all. Crime poses a threat to stability and to a safe environment. Crime prevention and criminal justice, with due regard to the observance of human rights, is thus a direct contribution to the maintenance of peace and security.

8. We must ensure that any increases in the capacity and capabilities of perpetrators of crime are matched by similar increases in the capacity and capabilities of law enforcement and criminal justice authorities. By pooling our knowledge and developing suitable countermeasures, success in

the prevention of crime and the reduction of victimization can be maximized. We recognize in particular the need to improve and strengthen the means of the crime prevention and control authorities in the developing countries, whose critical economic and social situation is further increasing the difficulties in this area.

9. We call on the international community to increase its support of technical cooperation and assistance activities for the benefit of all countries, including developing and smaller countries, and for the purpose of expanding and strengthening the infrastructure needed for effective crime prevention and viable, fair and humane criminal justice systems.

10. We acknowledge the contribution of the United Nations crime prevention and criminal justice programme to the international community. We note that it is a long-recognized fact that inadequate resources have been devoted to the implementation of the programme, which has in the past been inhibited from achieving its potential. We also note that a strengthening of the resources devoted to the implementation of the programme was called for by the Sixth United Nations Congress for the Prevention of Crime and the Treatment of Offenders, 8/ the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders 9/ and the Eighth United Nations Congress for the Prevention of Crime and the Treatment of Offenders. 10/ We further note that the Committee on Crime Prevention and Control, at its eleventh session, gave priority attention to the conclusions and recommendations of a subcommittee established to provide an overview of the problem of crime and to assess the most efficient means of stimulating practical international action in support of Member States, in pursuance of General Assembly resolution 44/72 of 8 December 1989. The Committee, in its resolution 11/3, unanimously approved a report of the subcommittee on the need for the creation of an effective international crime and justice

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8/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. A.

9/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. A.

10/ Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. A.

programme. 11/ That report, which was endorsed by the Eighth Congress, 12/ was used as an important tool for the establishment of the United Nations crime prevention and criminal justice programme, in line with the provisions of General Assembly resolution 45/108.

11. We accordingly recommend intensified international cooperation in crime prevention and criminal justice, including the creation of an effective United Nations crime prevention and criminal justice programme.

12. We are convinced that there is a need for Governments to define more clearly the role and functions of the United Nations crime prevention and criminal justice programme and the Secretariat and to determine priorities within that programme.

13. We strongly believe that the review of the programme should aim at strengthening its effectiveness, improving its efficiency and establishing an adequate Secretariat support structure.

II. PROGRAMME OF ACTION

A. DEFINITION

14. The United Nations crime prevention and criminal justice programme shall bring together the work of the commission on crime prevention and criminal justice, the interregional and regional institutes for the prevention of crime and the treatment of offenders, the network of government-appointed national correspondents in the field of crime prevention and criminal justice, the Global Crime and Criminal Justice Information Network and the United Nations congresses on the prevention of crime and the treatment of offenders in providing assistance to Member States in their efforts to reduce the incidence and costs of crime and in developing the proper functioning of the criminal justice system. The establishment of this programme will be effected in accordance with the procedures defined below and within the framework of the total available resources of the United Nations.

B. GOALS

15. The programme shall be designed to assist the international community in meeting its pressing needs in the field of crime prevention and criminal justice and to provide countries with timely and practical assistance in dealing with problems of both national and transnational crime.

11/ E/1990/31/Add.1.

12/ Eighth United Nations Congress ..., op. cit., chap. IV.

16. The general goals of the programme shall be to contribute to the following:

(a) The prevention of crime within and among States;

(b) The control of crime both nationally and internationally;

(c) The strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime;

(d) The integration and consolidation of the efforts of Member States in preventing and combating transnational crime;

(e) More efficient and effective administration of justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system;

(f) The promotion of the highest standards of fairness, humanity, justice and professional conduct.

C. SCOPE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

17. The programme shall include appropriate forms of cooperation for the purpose of assisting States in dealing with problems of both national and transnational crime. In particular, it may include:

(a) Research and studies at the national, regional and global levels on specific prevention issues and criminal justice measures;

(b) Regular international surveys to assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies;

(c) Exchange and dissemination of information among States on crime prevention and criminal justice, particularly with regard to innovative measures and the results achieved in their application;

(d) Training and upgrading of the skills of personnel working in the various areas of crime prevention and criminal justice;

(e) Technical assistance, including advisory services, particularly in respect of the planning, implementation and evaluation of crime prevention and criminal justice programmes, training and the use of modern communication and information techniques; such assistance may be implemented by means of, for example, fellowships, study tours, consultancies, secondments, courses, seminars and demonstration and pilot projects.

18. Within the framework of the programme, the United Nations should directly carry out the above-mentioned forms of cooperation or should act as a coordinating or facilitating agent. Special attention should be paid to the creation of mechanisms to provide flexible and appropriate assistance and to respond to the needs of Member States at their request, without duplicating the activities of other existing mechanisms.

19. For the purpose of those forms of cooperation, Member States should establish and maintain reliable and effective channels of communication among themselves and with the United Nations.

20. The programme may also include, as appropriate, while respecting the sovereignty of States, a review of the effectiveness and application of and, where necessary, further development and promotion of international instruments on crime prevention and criminal justice.

D. PROGRAMME PRIORITIES

21. In developing the programme, areas of priority shall be determined in response to the needs and concerns of Member States, giving particular consideration to the following:

(a) Empirical evidence, including research findings and other information on the nature and extent of crime and on trends in crime;

(b) The social, financial and other costs of various forms of crimes and/or crime control to the individual, the local, national and international community, and to the development process;

(c) The need of developing or developed countries, which are confronting specific difficulties related to national or international circumstances, to have recourse to experts and other resources necessary for establishing and developing programmes for crime prevention and criminal justice that are appropriate at the national and local levels;

(d) The need for a balance within the programme of work between programme development and practical action;

(e) The protection of human rights in the administration of justice and the prevention and control of crime;

(f) The assessment of areas in which concerted action at the international level and within the framework of the programme would be most effective;

(g) Avoidance of overlapping with the activities of other entities of the United Nations system or of other organizations.

22. The commission on crime prevention and criminal justice shall not be bound by mandates conferred prior to its formation, but shall assess them on their merits by applying the above-mentioned principles.

E. STRUCTURE AND MANAGEMENT

1. Commission on crime prevention and criminal justice

23. A commission on crime prevention and criminal justice shall be established as a functional commission of the Economic and Social Council. The commission shall have the power to create ad hoc working groups and to appoint special rapporteurs, as it deems necessary.

Membership

24. The commission shall consist of forty Member States of the United Nations, elected by the Economic and Social Council on the basis of the principle of equitable geographical distribution. Its members shall serve for a term of three years, except that the terms of one half of the first elected members, whose names shall be chosen by lot, shall expire after two years. Each Member State shall make every effort to ensure that its delegation includes experts and senior officials with special training and practical experience in crime prevention and criminal justice, preferably with policy responsibility in the field. Provisions should be made in the regular budget of the United Nations to defray the travel costs of the representatives of the least developed countries that are members of the Commission.*

Sessions

25. The Commission shall hold annual sessions of not more than ten working days.

Functions

26. The Commission shall have the following functions:

(a) To provide policy guidance to the United Nations in the field of crime prevention and criminal justice;

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* It is recommended that in order to commence the work of the commission as soon as possible, the geographical distribution of the commission should be as follows: African States (12), Asian States (9), Latin American and Caribbean States (8), Western European and other States (7), Eastern European States (4). The size and geographical distribution of the commission may be reviewed two years after the first session of the commission.

(b) To develop, monitor and review the implementation of the programme on the basis of a system of medium-term planning in accordance with the priority principles provided in paragraph 21 above;

(c) To facilitate and help to coordinate the activities of the interregional and regional institutes;

(d) To mobilize the support of Member States for the United Nations crime prevention and criminal justice programme;

(e) To prepare the congresses and to consider suggestions regarding possible subjects for the programme of work as submitted by the congresses.

2. Committee on Crime Prevention and Control

27. The Committee on Crime Prevention and Control should be dissolved by the Economic and Social Council upon the establishment by the Council of the commission on crime prevention and criminal justice. There will be a basic need for involving independent experts in the area of crime prevention and control.

28. The commission shall, when necessary, use the services of a limited number of qualified and experienced experts, either as individual consultants or in working groups, in order to assist in the preparations for and follow-up work of the commission. Their advice shall be transmitted to the commission for consideration. The commission shall be encouraged to seek such advice whenever such expertise is needed. One of the major tasks of the experts shall be to assist in the preparations for the congresses.**

** The Secretariat shall keep a list of such experts. The experts shall be selected by the commission in collaboration with the Secretariat, the United Nations institutes for the prevention of crime and the treatment of offenders and non-governmental organizations. The commission, in consultation with Member States, shall develop a mechanism for that purpose. Such experts, who may be either governmental officials or other individuals, shall be chosen on the basis of equitable geographical distribution. They should be available to the programme in their individual independent capacity for at least three years. Expert group meetings shall take place subject to the conditions set out in paragraph 14.

3. United Nations congresses on the prevention of crime and the treatment of offenders

29. The United Nations congresses on the prevention of crime and the treatment of offenders, as a consultative body of the programme, shall provide a forum for:

(a) The exchange of views between States, intergovernmental organizations, non-governmental organizations and individual experts representing various professions and disciplines;

(b) The exchange of experiences in research, law and policy development;

(c) The identification of emerging trends and issues in crime prevention and criminal justice;

(d) The provision of advice and comments to the commission on crime prevention and criminal justice on selected matters submitted to it by the commission;

(e) The submission of suggestions, for the consideration of the commission, regarding possible subjects for the programme of work.

30. In order to enhance the effectiveness of the programme and to achieve optimal results, the following arrangements should be implemented:

(a) The congresses should be held every five years, for a period of between five and ten working days;

(b) The commission shall select precisely defined topics for the congresses in order to ensure a focused and productive discussion;

(c) Quinquennial regional meetings should be held under the guidance of the commission on issues related to the agenda of the commission or of the congresses, or on any other matters, except when a region does not consider it necessary to hold such a meeting. The interregional and regional institutes should be fully involved, as appropriate, in the organization of those meetings. The commission shall give due consideration to the need to finance such meetings, in particular in developing regions, through the regular budget of the United Nations;

(d) Action-oriented research workshops on topics selected by the commission, as part of a congress programme, and ancillary meetings associated with the congresses should be encouraged.

4. Organizational structure of the secretariat and of the programme

31. The secretariat shall be the permanent body responsible for facilitating the implementation of the programme, the priorities of which shall be established by the commission, and for assisting the commission in conducting evaluations of the progress made and analyses of the difficulties encountered. For that purpose, the secretariat shall:

(a) Mobilize existing resources, including institutes, intergovernmental organizations, non-governmental organizations and other competent authorities for the implementation of the programme;

(b) Coordinate research, training and the collection of data on crime and justice, and provide technical assistance and practical information for Member States, particularly through the global information network on crime and criminal justice;

(c) Assist the commission in the organization of its work and in the preparation, in accordance with the directions of the commission, of the congresses and any other events relating to the programme;

(d) Ensure that the potential donors of criminal justice assistance are put in touch with countries needing the help in question;

(e) Make the case for assistance in the field of criminal justice to the appropriate funding agencies.

32. It is recommended to the Secretary-General that, in recognition of the high priority that should be accorded to the programme, an upgrading of the Crime Prevention and Criminal Justice Branch into a division should be effected as soon as possible, under the conditions set out in paragraph 14, bearing in mind the structure of the United Nations Office at Vienna.

33. The Professional staff of the secretariat of the programme shall be called "Crime Prevention and Criminal Justice Officers".

34. The secretariat of the programme shall be directed by a senior official responsible for the overall day-to-day management and supervision of the programme, communicating with the relevant government officials, the specialized agencies and intergovernmental organizations whose activities are relevant to the programme.

F. PROGRAMME SUPPORT

1. Interregional and regional institutes for the prevention of crime and the treatment of offenders

35. The activities of the United Nations institutes for the prevention of crime and the treatment of offenders*** should be supported by Member States and the United Nations, giving particular attention to the needs of such institutes located in developing countries. Given the important role of such institutes, their contributions to policy development and implementation, and their resource requirements, should be fully integrated into the overall programme, especially those of the African Regional Institute for the Prevention of Crime and the Treatment of Offenders.

*** The United Nations institutes for the prevention of crime and the treatment of offenders consist of the following:

(a) The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, established in 1961 at Fuchu, Japan;

(b) The United Nations Interregional Crime and Justice Research Institute, established in 1968 at Rome;

(c) The United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders, established in 1975 at San José, Costa Rica;

(d) The Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations, established in 1981 at Helsinki;

(e) The African Regional Institute for the Prevention of Crime and the Treatment of Offenders, established in 1989 at Kampala.

In addition, three other institutes are currently cooperating closely with the United Nations in the field of crime prevention and criminal justice:

(a) The Arab Security Studies and Training Centre, at Riyadh;

(b) The Australian Institute of Criminology, at Canberra;

(c) The International Centre for Criminal Law Reform and Criminal Justice Policy, at Vancouver, Canada.

2. Coordination among the interregional and regional institutes

36. The interregional and regional institutes should keep one another and the commission informed on a regular basis about their programme of work and its implementation.

37. The commission may request the interregional and regional institutes, subject to the availability of resources, to implement select elements of the programme. The commission may also suggest areas for inter-institute activities.

38. The commission shall seek to mobilize extrabudgetary support for the activities of the interregional and regional institutes.

3. Network of government-appointed national correspondents in the field of crime prevention and criminal justice

39. Member States should designate one or more national correspondents in the field of crime prevention and criminal justice as focal points for the purpose of maintaining direct communication with the secretariat and other elements of the programme.

40. The national correspondents shall facilitate contact with the Secretariat on matters of legal, scientific and technical cooperation, training, information on national laws and regulations, legal policy, the organization of the criminal justice system, crime prevention measures and penitentiary matters.

4. Global information network on crime and criminal justice

41. Member States shall support the United Nations in the development and maintenance of the global information network on crime and criminal justice in order to facilitate the collection, analysis, exchange and dissemination, as appropriate, of information and the centralization of inputs from non-governmental organizations and scientific institutions in the field of crime prevention and criminal justice.

42. Member States shall undertake to provide the Secretary-General on a regular basis and upon request with data on the dynamics, structure and extent of crime and on the operation of crime prevention and criminal justice strategies in their respective countries.

5. Intergovernmental and non-governmental organizations

43. Intergovernmental and non-governmental organizations and the scientific community are a valuable source of professional expertise, advocacy and assistance. Their contributions should be fully utilized in programme development and implementation.

G. FUNDING OF THE PROGRAMME

44. The programme shall be funded from the regular budget of the United Nations. Funds allocated for technical assistance may be supplemented by direct voluntary contributions from Member States and interested funding agencies. Member States are encouraged to make contributions to the United Nations Trust Fund for Social Defence, to be renamed the United Nations crime prevention and criminal justice fund. They are also encouraged to contribute in kind for the operational activities of the programme, particularly by seconding staff, organizing training courses and seminars, and providing the requisite equipment and services.

DRAFT RESOLUTION II

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its decision 45/428 of 14 December 1990 and Economic and Social Council resolution 1990/19 of 24 May 1990,

Considering the impact of carefully considered and formulated international standards and the world-wide improvement in the functioning of criminal justice systems,

Conscious of the vital role of regional cooperation in the fight against crime and of the potential contribution of interregional and regional institutes in the prevention of crime and the treatment of offenders,

Recognizing the important role of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders in organizing, inter alia, training programmes and regional seminars, conducting research in the field of criminal justice, providing advisory opinion on policy matters, promoting and facilitating cooperation among the States of the region with the United Nations and the need to provide sufficient resources to the Institute, particularly in view of its increasing workload in response to strongly felt international concerns,

Aware of the difficulties faced by the Institute owing to the non-availability of required resources,

Aware also that resources to the Institute have failed to keep pace with the expansion of its responsibilities, owing to the fact that many States of the African region are in the category of the least developed countries and, therefore, lack the necessary resources with which to support the Institute,

Recalling that the Secretary-General, in his report on the work of the Organization for 1991, 13/ stressed the need for effective intergovernmental mechanisms and much stronger judicial and police cooperation among States owing to an upsurge and transnationalization of crime,

Having considered the report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders and other United Nations institutes for crime prevention and criminal justice, 14/

1. Calls upon Governments and intergovernmental and non-governmental organizations to provide financial and other support to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders in the fulfilment of its objectives, particularly those concerning training, technical assistance, policy guidance, research and data collection;

2. Requests the Secretary-General to ensure that sufficient resources are provided to the Institute within the overall appropriations of the budget for the biennium 1992-1993 to enable the Institute to carry out, in full and on time, all its mandates;

3. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its forty-seventh session.

* * *

25. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report considered under the item entitled "Social development: crime prevention and criminal justice"

The General Assembly takes note of the report of the Secretary-General on the progress achieved in the implementation of General Assembly resolution 45/121 on the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. 15/

13/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1), sect. X.

14/ A/46/524.

15/ A/46/363.